IN THE HIGH COURT OF JUDICIATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.883 OF 1998

The Commissioner of Income-tax,
Nashik .. Applicant.

V/s.

Jalgaon Zilla Sah.Dudh Utpadak
Sangh Limited .. Respondent.

Mr.Parag Vyas with Mr.Ashok Kotangale & Mr.A.S. Rao for the applicant.

Ms.Asifa Khan i/b. Mr.Vipul Joshi for the resopndent.

CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.

DATED : 18TH OCTOBER, 2005.

P.C. :

1. Heard the learned counsel for the applicant. The Tribunal has referred following question for the opinion of this Court reading as under :-

> Whether on the facts and in the circumstances of the case, the ITAT relying on the decision of Special Bench of ITAT in the case of Shri Chatrapati SSK Ltd (198 ITR 78-AT) was right in deleting the additions on account of Non Refundable Deposits made by holding that the various deposits collected by the assessee society out of the milk purchases price payable to the various primary milk societies are not trading receipts of the assessee ?

2. Both the learned counsel for the parties fairly submits that the above question has already been answered by the Division Bench of this Court in

the case of Somaiya Orgenc Chemicals V/s. CIT [(1995) 216 ITR 291 (Bom)] in favour of the assessee and against the revenue. In this view of the matter, question stands answered in affirmative for the reasons stated in the case cited supra. Reference, accordingly stands disposed of with no order as to costs.

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